

REMARKS

Claims 1, 2, 4, 21, 27, and 28 have been canceled. Claims 31-33 have been added. The claims remaining in the application are 3, 5-20, 22-26, and 29-33.

Double Patenting

The Examiner has provisionally rejected claims 1, 21, and 27 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 21, and 32 of copending Application No. 10/038,948. Since claims 1, 21, and 27 have been canceled, Applicant believes that a Terminal Disclaimer is not needed.

Rejection Under 35 U.S.C. § 112

The Examiner has rejected claims 20 and 26 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The word “in” has been deleted from claim 20 via amendment.

Claim 26, as amended, depends from claim 22, which incorporates a mask. Therefore, there is proper antecedent basis for the term “said mask” in claim 26.

Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1-2, 4, 6-7, 10-12, 14, 16, 21, 27-28, and 30 under 35 U.S.C. 102(b) as being anticipated by Hara et al. (U.S. 5,592,239). This rejection is respectfully traversed.

Rejection Under 35 U.S.C. § 103

The Examiner has rejected claims 3, 15, and 17-19 under 35 U.S.C. 103(a) as being unpatentable over Hara et al. (U.S. 5,592,239). This rejection is respectfully traversed.

The limitations found in claims 10-12, as originally filed, have been added to new claims 31-33, all of which also include the limitations in original claim 1. The limitations of these claims, which are not found in the prior

art, enable the use of a monochrome sensor to detect fiducials for red, green, and blue based on sequencing of the information. Although Hara et al. does discuss shining a red, green, or blue light sequentially the Hara et al. system is not a “closed loop” system as in the present invention. While the description of the Hara et al. system is not explicit, it appears to be a system that is done off-line since the fiducials are in the image data field. The present invention, which can run continuously, would project red, green, blue, and delay, in sequence, which show the fiducials offset from the image data field. In addition, although Hara et al. does talk about a sequence of colors, he does not discuss a predetermined sequence, which forms the basis in the monochrome system for discrimination of the color hitting the sensor.

Allowable Subject Matter

The Examiner has objected to claims 5, 8-9, 13, 22-25, and 29 but will allow them if they are rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20 and 26 are allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth above.

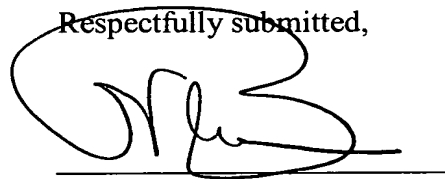
CONCLUSION

Dependent claims not specifically addressed add additional limitations to the independent claims, which have been distinguished from the prior art and are therefore also patentable.

In conclusion, none of the prior art cited by the Examiner discloses the limitations of the claims of the present invention, either individually or in combination. Therefore, it is believed that the claims are allowable.

If the Examiner is of the opinion that additional modifications to the claims are necessary to place the application in condition for allowance, he is invited to contact Applicant's attorney at the number listed below for a telephone interview and Examiner's amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "N. A. Blish", written over a horizontal line.

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